

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF GEORGIA
SAVANNAH DIVISION

JAMES R. GRIFFIN,

Petitioner,

v. 4:10-cv-108
4:07-cr-43

UNITED STATES OF AMERICA,

Respondent.

ORDER

Petitioner James R. Griffin moves the Court for reconsideration of his 28 U.S.C. § 2255 petition pursuant to Federal Rule of Civil Procedure 60(b)(6). ECF No. 28. Griffin argues that the Supreme Court's decisions in *Holland v. Florida*, 560 U.S. 631 (2010), and *Maples v. Thomas*, 132 S. Ct. 912 (2012), make "clear that abandonment by an attorney is grounds for equitable tolling of the federal habeas filing limitation period." ECF No. 28 at 2.

The Eleventh Circuit's recent decision in *Cadet v. Florida Department of Corrections* shows that Griffin's contention misses the mark. 742 F.3d 473, 481-85 (11th Cir. 2014). The extraordinary circumstances necessary for equitable tolling *require* abandonment of the attorney-client relationship, but abandonment alone does not trigger equitable tolling. *Id.* at 481-82. A petitioner must still exercise reasonable diligence in pursuit of a petition. *Id.* at 477, 480.

Here, the Court determined that Griffin failed to exercise reasonable diligence. ECF

No. 11 at 3-4. Griffin is not entitled to equitable tolling. The Court ***DENIES*** the motion for reconsideration.

This 30 day of April 2014.



B. AVANT EDENFIELD, JUDGE
UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF GEORGIA